

### **REMARKS**

Claims 1-10 are pending. By this amendment, claims 1 and 10 are amended, claims 11-18 are canceled and claim 6 is currently withdrawn from consideration. Upon allowance of independent claim 1, Applicants respectfully request rejoinder of claim 6 based on its dependence from claim 1.

#### **Interview**

Applicants thank Examiner Bottorff for the courtesies extended to Applicants' representative Wesley Jones during the telephone interview of December 18, 2006. A summary of the substance of the interview is set forth below.

During the interview, the Examiner indicated that the outstanding §112 and prior art rejections would be overcome based on the amendments proposed by Applicants' representative, which are the same as the amendments contained herein.

#### **§112 Rejections**

The Office Action rejects claims 1-5 and 7-10 under 35 USC 112, first paragraph. Claims 1 and 10 are amended to address this rejection. Support for the amendments is provided, for example, in paragraph 32 of the specification. Accordingly, Applicants request reconsideration and withdrawal of this rejection.

#### **Allowable Claims**

The Office Action indicates that claims 4, 5 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form. However, for the reasons set forth below, it is submitted that all claims are in condition for allowance.

#### **Prior Art Rejections**

The Office Action rejects claims 1, 2, 9 and 10 under 35 USC 102 over Aoyama (USP 6,026,921) and rejects claims 3 and 7 under 35 USC 103 over Aoyama in view of Kaiser (USP 5,979,158). These rejections are respectfully traversed.

Claims 1 and 10 recite a hybrid vehicle that includes an internal combustion engine and a start time controller (or start time control means) which starts the engine for a first time after a predetermined time has elapsed since an instruction for starting the hybrid vehicle is given, wherein a timer measures the elapsed time. These features are not disclosed in Aoyama, as further explained below.

Aoyama, from column 8, line 40 to column 9, line 5, describes the cold engine operation of a vehicle (such as would occur when an engine is initially started after an extended period of time – e.g., between trips). Aoyama clearly states that “during the vehicle standstill and **during the cold engine operation . . . the ignition system 31 continue[s] to run the engine 2** while igniting air-fuel mixture, **such that the ‘idling stop’ operation is not executed**” (Col. 8, lines 40-45; emphasis added). In other words, Aoyama discloses that when the vehicle comes to a stop while the engine is cold, the engine is not shut off but instead continues to run.

**Accordingly, Aoyama discloses that once the engine is started, the engine will continue to run as long as it is in the cold engine operation mode.**

Aoyama, at column 8, lines 21-24, contrasts cold engine operation with warm engine operation by stating that “after engine warm-up, the control unit 16 operates to disengage the clutch 3 and to execute a so-called idling stop where the engine 2 is stopped.” As is conventionally understood, an idling stop refers to the stopping of an engine when a hybrid vehicle stops moving. The engine can typically be restarted, for example, based on the depression of the accelerator by the driver. **Accordingly, Aoyama discloses that once the engine is warmed up, the engine may be stopped and started to implement a conventional idling stop.**

The Office Action alleges that Aoyama, at column 8, line 40 to column 9, line 5, discloses starting an engine for a first time after a predetermined time is measured by a timer from the time an instruction to start the vehicle has been given. Applicants disagree. The portion of the cited paragraph that discusses starting the engine (col. 8, line 65 to col. 9, line 2) does not describe the delayed starting of a cold engine but rather describes the operation of the vehicle **after the vehicle has warmed up**. This section of the cited paragraph is clearly referring back to the description provided in the preceding paragraph (Col. 8, lines 18-39) which merely indicates that an idling stop will be executed once the engine has warmed up.

Additionally, no portion of Aoyama that describes cold engine operation teaches or suggests the delayed starting of a cold engine as Aoyama repeatedly describes continuously running the engine during cold operation (see, e.g., FIG. 12):

**During the cold engine operation, even when the vehicle is conditioned in the standstill state**, the ignition system continues to run the engine 2, while igniting the air-fuel mixture, and thus the negative pressure in the intake manifold develops sufficiently (Col. 10, line 50-54).

In view of the above, no portion of Aoyama discloses starting an internal combustion engine for a first time after a predetermined time has elapsed since an instruction for starting the vehicle is given as recited in claims 1 and 10. Further, Aoyama does not disclose a timer for measuring this predetermined time. Accordingly, claims 1 and 10, and all claims dependent therefrom are not anticipated by Aoyama.

Further, because Kaiser does not solve the above-noted deficiencies of Aoyama regarding claim 1, from which claims 3 and 7 depend, claims 3 and 7 would not have been obvious over the applied references. Withdrawal of the rejections is therefore requested.

**PATENT**  
**Serial No: 10/648,392**  
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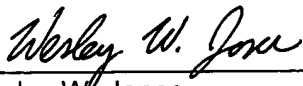
For at least these reasons, it is submitted that the application is in condition for allowance. Prompt consideration and allowance are requested.

The Examiner is invited to contact the undersigned at (202) 220-4419 to discuss any matter concerning this application.

The Office is authorized to any fees due under 37 CFR §§§ 1.16, 1.17 or 1.136 or credit any overpayments to Deposit Account 11-0600.

Respectfully submitted,

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